

## **REMARKS**

### **Objections to the drawings**

Figure 1 is objected to as failing to be designated as prior art. Applicants hereby submit replacement Figure 1 to include a legend designating it as —Prior Art—to overcome these objections. The replacement sheet is labeled as such.

### **Objections to the claims**

The claims are objected to because they include reference characters which are not enclosed within parentheses. The claims have been amended such that reference characters are enclosed within parenthesis.

### **Rejection under 35 U.S.C. § 102(b)**

Claims 1-2 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,381,899 ("Merkle"). In particular, the Examiner finds that, with regard to claim 1, Merkle discloses each of the claimed limitations. Applicants have reviewed the reference with care, and respectfully disagree with the Examiner's characterization of this reference. Claim 1 is directed to a cargo lifting device comprising hydraulic lifting assemblies, a fixture, and a lifting platform having enforcement beams at its two sides in which the lifting platform is connected to the fixture via the hydraulic lifting assemblies, one end of each of the hydraulic lifting assemblies is secured to the fixture while the other end of the hydraulic lifting assembly is secured to the corresponding enforcement beam. Merkle does not disclose all of the limitations of the claimed invention.

The structure of the cargo lifting device of the present invention differs from the wheelchair lift device described in Merkle. Merkle only discloses a wheelchair lift device which pulls a wheelchair to lift it. The device includes foldable hinged sections normally positioned through a first linkage to form a step with a riser and in which the first linkage operated during deployment controls forward swinging movement of the sections to

form a platform for supporting a wheelchair that can be lowered to ground level by a second linkage. In contrast, the present invention teaches a hydraulic lifting assembly which forms a cantilever structure which can also push the platform underneath a cargo to lift it. The linkage members of Merkle do not possess such a function due to its different structure.

Furthermore, the connection points of the hydraulic lifting assemblies with the lifting platform of the present invention differ from Merkle. The present invention includes hydraulic lifting assemblies, one end of each assembly is secured to the fixture while the other end of the hydraulic lifting assembly is secured to the corresponding enforcement beam located at the side of the lifting platform. In contrast, the connection points of the hydraulic assemblies described in Merkle are located on top of the tread section 45 which runs along the front of the platform. As disclosed in Merkle, the "lower edge of the riser section 46 is connected by a pivot connection 54 to the tread section 45, intermediate the front end 56 and rear end 58 thereof." *See, Merkle column 3, lines 16-19.* The connection disclosed in Merkle it is clearly not connected to the sides of the platform (i.e. front end 56 and rear end 58). As such, the lifting platform of the present invention can bear more load, or a thin lifting platform can be used for the same or similar load. With the connection points located on the two sides of the lifting platform, the present invention can significantly reduce the thickness of the lifting platform.

In addition, the present invention includes a enforcement beam which can be used to further reduce the thickness of the near side of the platform because such an enforcement beam can provide more force to the lifting platform, which is advantageous for cargo lifting. Merkle does not teach such an enforcement beam.

Applicants therefore respectfully submit that claim 1 is in fact patentable over Merkle and respectfully requests the Examiner to reconsider and pass the claim to issue.

Claim 2 has been canceled without prejudice.

With respect to the prior art cited but not relied upon by the Examiner, Applicant submit that this prior art does not render the claims unpatentable. US5,336,031 discloses a parking system which includes a vehicle support platform and the support apparatus for the platform. The support apparatus further includes a lifting apparatus, which differs from the hydraulic lifting assemblies of the present invention.

Amendments to the Drawings:

The attached sheet of drawings includes proposed changes to Figure 1 and replaces original figure 1. In Figure 1, clarification that the depiction reflects prior art has been included. Replacement Figure 1 is included in Appendix 1.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

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Respectfully submitted,

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